IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.GIRI

THURSDAY, THE 6TH DECEMBER 2007 / 15TH AGRAHAYANA 1929

WP(C).No. 36045 of 2007(N)

PETITIONERS:
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1. **MOHANAN, S/O.VELAYUDHAN, PALLATH HOUSE, KAIPAMANGALAM THRISSUR DISTRICT.**

2. **SREEKUMAR, S/O.SEKHARAN, KOZHIPARAMBIL HOUSE, KAIPAMANGALAM THRISSUR DISTRICT.**

BY ADV. SRI.U.O.JOSE

RESPONDENTS:
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1. **VILLAGE OFFICER, KAIPAMANGALAM VILLAGE, KODUNALLUR TALUK, THRISSUR DISTRICT.**

2. **TAHSILDAR, KODUNALLUR TALUK, THRISSUR DISTRICT.**

3. **DISTRICT COLLECTOR, THRISSUR.**

BY GOVERNMENT PLEADER SRI.BEJOY CHANDRAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 06/12/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

V.GIRI, J.

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W.P.(C)NO.36045 OF 2007

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Dated this the 6th day of December 2007

JUDGMENT

The petitioners were sureties of an accused in ST 4646/1999 of the JFCM, Kodungallur. Though the accused was acquitted on the offence being compounded, separate proceedings were taken against the sureties for failure to produce the accused, as directed by the Court. Bail bonds were forfeited. They were imposed a penalty of Rs.45,000/- each. An appeal preferred by the sureties was allowed partly under Ext.P2 judgment reducing the penalty to Rs.10,000/- each. Recovery proceedings have now been initiated against the petitioner for recovery of the amounts as directed under Ext.P2.

2. In my view, writ petition is misconceived. The remedy of the petitioners is to approach the appropriate Court, if permissible and advised and challenge Ext.P2 Without prejudice to the right of the petitioners in that regard, the writ petition is disposed of.

3. In the peculiar facts and circumstances of the case, enforcement of Exts.P3 and P4 shall be kept in abeyance for a period of one month from today to enable the petitioners to take appropriate steps.

V.GIRI, JUDGE

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